



Order Filed on January 29, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

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Counsel to the Debtor and Debtor-in-Possession

In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,¹

Debtor.

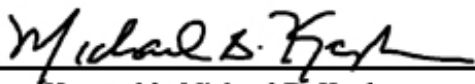
Chapter 11

Case No. 19-27439 (MBK)

**ORDER GRANTING DEBTOR'S MOTION TO APPROVE OF A SETTLEMENT AND
COMPROMISE BY AND AMONG HOLLISTER CONSTRUCTION SERVICES, LLC
SUNSTONE HOTELS MORRISTOWN, LLC AND VIKING DEMOLITION, INC.
PURSUANT TO FED. R. BANKR. P. 9019 AND AUTHORIZING THE REJECTION OF
CERTAIN EXECUTORY CONTRACTS**

The relief set forth on the following pages, numbered two (2) through and including four
(4), is hereby **ORDERED**.

DATED: January 29, 2020


Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Order Granting the Debtor's Motion to Approving a Settlement and Compromise By and Among Hollister Construction Services, LLC, Sunstone Hotels Morristown, LLC, and Viking Demolition, Inc. Pursuant to Fed. R. Bankr. P. 9019 and Authorizing the Rejection of Certain Executory Contracts*

Upon the motion (“Motion”) of the above-captioned debtor-in-possession (the “Debtor”) seeking the entry of an order approving of a Settlement Agreement (the “Settlement Agreement”) by and between the Debtor, Sunstone Hotels Morristown, LLC (“Sunstone”) and Viking Demolition, Inc. (“Viking”), pursuant to Fed. R. Bankr. P. 9019 and Authorizing the Rejection of Certain Executory Contracts²; and the Court having jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, dated September 18, 2012 (Simandle, C.J.); and the Court having found that the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that it has the authority to enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and this Motion are proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having determined that granting the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors and other parties-in-interest; and the Court having found that notice of the Motion and opportunity for hearing on the Motion were appropriate under the circumstances and that no other notice of the Motion need be provided; and the Court having received the Motion and having conducted a hearing on the Motion, at which time the Court heard and considered all oral arguments of counsel; and the Court having determined that good cause exists for granting the relief requested,

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED** as set forth herein.

² Capitalized terms not defined in this Order shall have the meaning ascribed to them in the Settlement Agreement.

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Debtors: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

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2. The Settlement Agreement is hereby approved pursuant to Bankruptcy Rule 9019. The Debtor, Sunstone and Viking are authorized and directed to fulfill their respective obligations under the Settlement Agreement and execute all documents necessary to effectuate the Settlement Agreement. The Releases set forth in the Settlement Agreement are hereby approved.

3. Pursuant to section 365 of the Bankruptcy Code and Bankruptcy Rule 6006, the subcontracts identified on Exhibit A hereto are rejected upon the entry of this Order with such rejection being effective as of the Petition Date.

4. A rejection claim by counter parties to the contracts identified on Exhibit A hereto (a "Rejection Claim") shall be filed no later than **30 days after the date of entry of this Order** (the "Rejection Claims Deadline"), at the following address:

Hollister Construction Services Claims Processing Center
c/o Prime Clerk LLC
850 3rd Avenue, Suite 412
Brooklyn, NY 11232

Rejection Claims may also be filed electronically at <https://cases.primeclerk.com/hcs/EPOCIndex>, but may not be delivered by facsimile, telecopy, electronic mail or other electronic transmission. The failure to file a Rejection Claim on or before the Rejection Claims Deadline shall forever bar any counterparty to any of the subcontracts identified on Exhibit A from asserting a Rejection Claim against the Debtor or its estate or from recovering any distribution on account of any such claim.

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Debtors: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Order Granting the Debtor's Motion to Approving a Settlement and Compromise By and Among Hollister Construction Services, LLC, Sunstone Hotels Morristown, LLC and Viking Demolition, Inc. Pursuant to Fed. R. Bankr. P. 9019 and Authorizing the Rejection of Certain Executory Contracts*

5. The Debtor retains the right to object to, dispute, or assert setoffs or defenses against any filed Rejection Claim, including but not limited to challenging the nature, validity, liability, amount, or classification of any such claim.

6. Notice of this Motion as provided is hereby deemed good and sufficient notice and no further notice is required.

7. The Order shall be effective immediately upon its entry and the stay imposed by Bankruptcy Rule 6004(h) and/or 6006(b) or any other Rule are hereby waived.

8. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

9. The Court shall retain exclusive jurisdiction to hear and decide any and all disputes or issues related to or arising from the implementation, interpretation or enforcement of this Order.

EXHIBIT A – Rejected Subcontracts

Subcontractor	Subcontract, Purchase Order or Vendor Agreement	Address
Viking Demolition, Inc.	SC-19045-004; SC-19045-001	58 Borough Street Rutherford, New Jersey 07070

In re:
Hollister Construction Services, LLC
Debtor

Case No. 19-27439-MBK
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 29, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 31, 2020.

db +Hollister Construction Services, LLC, 339 Jefferson Road, Parsippany, NJ 07054-3707

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 31, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 29, 2020 at the address(es) listed below:

NONE. TOTAL: 0